REMARKS

This is intended as a full and complete response to the Final Office Action dated June 13, 2005, having a shortened statutory period for response set to expire on September 13, 2005. Applicant submits this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-46 are pending in the application. Claims 12-23 and claims 35-46 are cancelled. Accordingly, claims 1-11 and 24-33 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 103

Claims 12, 13, 22-26, 28-32, 34-36 and 45 are rejected under 35 US,C. 103(a) as being unpatentable over Wang et al. (U.S. 6,708,223 B1, hereinafter Wang). Additionally, claims 1-9, 11, 14-19 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Shakib (U.S. 6,321,274 B1). As independent claims 12, 35, and their dependents are cancelled, Applicant respectfully traverses these rejections with respect to claims 24-32, 1-9 and 11.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2142. To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to satisfy at least the third limitation.

For example, Wang fails to teach or suggest determining whether to execute a function on a local node or selecting, from at least two possible remote nodes, a remote node to execute the function if the function cannot be executed on the local node, as recited by Claim 1. Similarly, Wang fails to teach or suggest determining a remote node

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to execute a function, if the function cannot be run on a local node, as recited by claim 24. *Wang* is directed to known RPC techniques that rely on a proxy (executing on a client) communicating with a stub (executing on a server). Specifically, the RPC configuration disclosed by *Wang* relies on a "binding" between a particular client and server to perform RPC calls. Because this binding is based on a predetermined relationship between a particular client and server, it would be nonsensical to first determine whether to execute a function on a local node, as any RPC call processed by a proxy will be transmitted to a stub on the determined server for execution.

Additionally, the Examiner asserts that claim 24 "is the same as claim 12, except claim 24 is a computer readable medium claim and claim 12 is a method claim." *See Final Office Action*, p. 4. However, as stated, claim 24 recites the limitation of "determining a remote node to execute a function, if the function cannot be run on a local node," Applicant asserts that this claim is clearly distinct from claim 12, as it specifically contemplates a function call that may be executed on a local node, in at least some circumstances, whereas claim 12 recites only "determining a remote node to execute a function call." Accordingly, claim 24 includes at least one limitation not present in claim 12, and therefore, Applicant asserts that the Examiner has failed to establish a *prima facie* rejection of this claim.

Similarly, the rejection of claim 1 provides: "The rejection of claim 12 above is incorporated herein in full. *Wang*, however, does not explicitly teach the use of a bundle. *Shakib* teaches the use of a bundle (e.g., bundles the RPCs before sending them to the server process; col.3, lines 45-49)." *See Final Office Action*, p. 7. Without commenting on what *Shakib* may, or may not, teach the rejection fails to establish a *prima facie* case of obviousness. As stated, claim 1 recites the limitation of "determining whether to execute a function on a local node." Furthermore, claim 1 also recites "selecting, from at least two possible remote nodes, a remote node to execute the function." By merely incorporating the rejection of claim 12, the Examiner fails to address these limitations. Accordingly, Applicant submits that on this basis alone the rejection is improper and should be withdrawn.

Furthermore, Applicant submits that as *Wang* teaches RPC calls that use a binding between a particular server and client (through the use of a proxy and stub).

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Wang fails to teach or suggest these elements. Therefore, for all of the foregoing reasons, claims 1-9, 11, and 24-32 are believed to be allowable, and allowance is respectfully requested.

Claims 20, 21, 27, 33, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wang* in view of *Pettus* (U S. 6,223,217 B1). Claims 43 and 44 are cancelled. Regarding claims 27 and 33, Applicant submits that since these claims are allowable for the reasons stated above, the rejection of these dependent claims is obviated without the need for further remarks.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Wang* in view of *Shakib* as applied to claims 1, 7 and 8 above and further in view of *Pettus*. Applicant submits that since claim 1 is allowable for the reasons stated above, the rejection of this dependent claim is obviated without the need for further remarks.
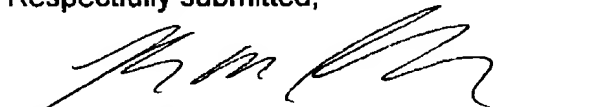
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Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact the undersigned attorney to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted,

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